IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1819 OF 2011

Saket Vikas Panse .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Subhash Jadhav i/by M/s AMLT Legal for applicant.
Mr. A.S. Khandeparkar i/by Khandeparkar & Associates a/w Amogh Karandikar, Mahesh Chandanshiv and Shantanu Chandratre for Intervenor.
Mrs. A.A. Mane, APP for State.

Coram : Smt. R.P.SondurBaldota, J.

Date : 20th January, 2012

P.C.

1. The applicant herein is the accused in Sessions Case No. 760 of 2010 facing charges under Section 302 Indian Penal Code. After his arrest in the case on 27th August 2010, he had filed an application for bail, which was rejected by this Court

by its order dtd. 5th July 2010. While rejecting the application, this Court had expedited the trial of the case with a direction to the Sessions Court to complete it within a period of three months from 14th July 2011. The applicant was granted liberty to apply afresh for bail, should the trial be not over within that time. In exercise of the liberty given, the applicant has filed the present application for bail contending that the Sessions Court has not completed the trial within the time granted. The applicant further alleges in his application that the trial is going at a very slow speed, causing grave harm and injury to the applicant.

2. Mrs. A.A. Mane, the learned APP states that by a subsequent order passed by this Court, the time granted for completion of the trial has been extended till 22nd May 2011. This fact is suppressed by the applicant in his application. What is further suppressed is the manner in which the trial is conducted on behalf of the applicant. Mr. Khandeparkar, the learned counsel for the original complainant, who has intervened in the application, has produced certified copy of

the Roznama, which shows that between the period 14th July 2011 to 30th November 2011, the trial was adjourned on 18 occasions and out of the 18 adjournments, 15 were at the instance of the applicant. The Roznama further shows that most of the adjournments were taken on account of nonavailability of the Advocate for the applicant. Then between 2nd December 2011 to 15th December 2011, the matter was adjourned on three occasions at the instance of the applicant. The Roznama also shows that the Advocate for the applicant was on leave from 17th December 2011 to 4th January 2012. Thus the trial in the Sessions Court is delayed solely on account of the applicant. He therefore could not have filed the present application for bail. Since the application is not only misconceived, but it suppresses material facts from the court. The application is dismissed with costs. The applicant shall deposit Rs.7,500/- as costs with Maharashra State Legal Services Authority. Costs to be paid within a period of one week from today.

(Smt. R.P.SondurBaldota, J)